

AMENDED IN ASSEMBLY JUNE 28, 2006

AMENDED IN SENATE MAY 3, 2006

SENATE BILL

No. 1557

Introduced by Senator Ducheny

February 23, 2006

An act to add Part 8.2 (commencing with Section 32600) to Division 12 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1557, as amended, Ducheny. Coachella Valley Water District: nonpotable water use.

Existing law prohibits a person or public agency from using water from a source that is suitable for potable domestic use for nonpotable uses if suitable recycled water is available, as determined by the State Water Resources Control Board, after notice to any person or entity who may be ordered to use recycled water or to cease using potable water and a prescribed hearing is held. Existing law, the County Water District Law, governs the operations of the Coachella Valley Water District.

This bill would prohibit a person or local public agency from using, within the district's service area, water from any source that is suitable for potable domestic use for *specified* nonpotable uses if the board of directors of the district determines, after notice and an opportunity for hearing, that suitable nonpotable water is available, as specified, *and other requirements are met*.

The bill would specify that these provisions only apply to a use of water within the district's service area that is not the subject of a specified determination by another public agency.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Part 8.2 (commencing with Section 32600) is added to Division 12 of the Water Code, to read:

PART 8.2. COACHELLA VALLEY WATER DISTRICT

32600. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this part.

(a) “Board” means the Board of Directors of the Coachella Valley Water District.

(b) “District” means the Coachella Valley Water District.

(c) “*New industrial facilities*” means industrial facilities for which either of the following applies:

(1) The building permit for that facility is issued on or after January 1, 2010.

(2) If a building permit is not required for that facility, construction for that facility commences on or after January 1, 2010.

32601. (a) The Legislature hereby finds and declares that the use of potable domestic water for nonpotable uses, ~~including, but not limited to, for cemeteries, parks, highway landscaped areas, industrial uses, golf courses, and irrigation uses,~~ *new industrial facilities, and golf course irrigation* is a waste and an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution, if nonpotable water, including recycled water, is available under all of the following conditions as determined by the board, after notice to any person or local public agency that may be ordered to use nonpotable water or to cease using potable water and a hearing held by the board if requested by the person or local public agency:

(1) The *board determines that the* source of nonpotable water is of adequate quality for the proposed use and is available for that use. In determining adequate quality, the board shall consider all relevant factors, including, but not limited to, food and employee safety, and level and types of specific constituents in the nonpotable water affecting the use, on a user-by-user basis.

1 In addition, the board shall consider the effect of the use of
2 nonpotable water in lieu of potable water on the generation of
3 hazardous waste and on the quality of wastewater discharges
4 subject to permit.

5 (2) The *board determines that the* nonpotable water may be
6 furnished for the proposed use at a reasonable cost to the user. In
7 determining reasonable cost, the board shall consider all relevant
8 factors, including, but not limited to, the present and projected
9 costs of supplying, delivering, and treating potable domestic
10 water for the proposed use and the present and projected costs of
11 supplying and delivering nonpotable water for that use, and finds
12 that the cost of supplying the nonpotable water is comparable to,
13 or less than, the cost of supplying potable domestic water.

14 (3) The State Department of Health Services determines that
15 the use of nonpotable water from the proposed source will not be
16 detrimental to public health.

17 (4) *The California regional water quality control board*
18 *determines that the use of nonpotable water from the proposed*
19 *source will not be detrimental to the beneficial uses of*
20 *groundwater or surface water.*

21 ~~(4) The~~

22 (5) *The board determines that the* use of nonpotable water for
23 the proposed use will not adversely affect groundwater rights,
24 will not degrade water quality, and is determined not to be
25 injurious to plant life, fish, and wildlife.

26 (b) In making the determination described in subdivision (a),
27 the board shall consider the impact of the cost and quality of the
28 nonpotable water on each individual user.

29 (c) The board may require a person or public agency to furnish
30 information that the board determines to be relevant to making
31 the determinations described in subdivision (a).

32 32602. Notwithstanding any other provision of law, but
33 subject to ~~Section 32604~~ *the other requirements of this part*, no
34 person or local public agency shall use water within the district's
35 service area from any source that is suitable for potable domestic
36 use for nonpotable uses, ~~including for cemeteries, parks, highway~~
37 ~~landscaped areas, industrial uses, golf courses, and irrigation~~
38 ~~uses, if the board, in new industrial facilities, and golf course~~
39 ~~irrigation, if the board, in accordance with Section 32601,~~
40 determines that suitable nonpotable water is available.

1 32603. (a) The use of nonpotable water in accordance with
2 ~~this section~~ *part* shall not cause any loss or diminution of any
3 existing water right.

4 (b) The use of nonpotable water, including recycled water, in
5 accordance with ~~this section~~ *part* is subject to all applicable state
6 regulation.

7 32604. This part only applies to a use of water within the
8 district's service area that is not the subject of a determination
9 pursuant to Article 7 (commencing with Section 13550) of
10 Chapter 7 of Division 7.

11 SEC. 2. The Legislature finds and declares that this act,
12 which is applicable only to the Coachella Valley Water District,
13 is necessary because of the unique and special water problems in
14 the area included in the district. It is, therefore, hereby declared
15 that a general law within the meaning of Section 16 of Article IV
16 of the California Constitution cannot be made applicable to the
17 district and the enactment of this special law is necessary for the
18 conservation, development, control, and use of that water for the
19 public good.